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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/598,477	06/22/2000	Takayuki Nyu	NE-1005-US/KM	5516

21254 7590 12/28/2004

MCGINN & GIBB, PLLC
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EXAMINER

TSEGAYE, SABA

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/598,477

Applicant(s)

NYU, TAKAYUKI

Examiner

Saba Tsegaye

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 10-13 and 16-24 is/are allowed.
- 6) ☒ Claim(s) 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to the amendment filed 08/16/04. claims 1-24 are pending. Claims 1-8, 10-13 and 16-24 are allowed. Claims 14 and 15 are rejected. Claim 9 is objected to under 37 CFR 1.75(c).

Claim Objections

2. Claim 9 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 9 depends on claim 1, which is an apparatus claim. However, claim 9 is a system claim.

Claim Rejections - 35 USC § 102

3. Claims 14 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Bastiani et al. (US 6,609,167).

Bastiani discloses a host and device serial communication protocols and communication packet formats. Further, Bastiani discloses that the normal idle condition for the device receiver is looking for a packet from the host (claimed setting a state machine in a receive mode). A slave device sensing the end of the packet and wishing to send a response must wait 20 ns minimum (turnaround time) before a transmission. When a response is required from the device

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the line is turned around to the host and transmission initiated. The turnaround time is a time to allow the line to settle and to allow the host to enable its receiver (column 24, lines 19-27; column 42, lines 31-42). Further, Bastiani discloses that the ASP protocol uses a byte count to determine the end of the packet (as in claim 15) (column 24, lines 49-57).

Allowable Subject Matter

4. Claims 1-8, 10-13 and 16-24 are allowed.

5. The following is an examiner's statement of reasons for allowance:

a) The prior art does not teach or suggest the combination of element and features as claimed, which includes a control circuitry for controlling a selector circuitry for supplying the decoded signal to a higher layer and supplying, instead of a decoded signal, an idle signal to the higher layer for a predefined time interval which starts at an end timing of a packet transmitted from the higher layer to a transmission medium, the idle signal indicating that the network node is in an idle state as recited in claims 1, 10, 12, 16, 17 and 24.

b) The terminal disclaimer filed on 08/16/04 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of U.S. Patent 6,529,977 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

6. Applicant's arguments filed 08/16/04 have been fully considered but they are not persuasive. Applicant argues (Remarks, pages 14-16) that Bastiani does not disclose exchanging signals between a network node; determining therefrom a turnaround time between the nodes; setting a state machine in an idle mode for an interval beginning with an end timing of a packet transmitted from the node to the bus until the interval corresponds to the turnaround time. Examiner respectfully disagrees with Applicant contention. Bastiani discloses in Fig. 3, exchanging signals between a host and a remote device. The device responding to the packet with a handshake. A slave device (the remote node) sensing the end of the packet and wishing to send a response must wait 20 ns **minimum** (turnaround time) before a transmission (an idle mode). When a response is required from the device the line is turned around to the host and transmission initiated. The turnaround time is a time to allow the line to settle and to allow the host to enable its receiver.

Applicant, further, argues that incrementing a count value beginning with a start timing of a child notify signal transmitted from a node to a bus and terminating the increment of the count value at an end timing of a parent notify signal received by the node from the bus; and setting a state machine in an idle mode for an interval beginning with an end timing of a packet transmitted from the node to a bus until the interval corresponds to the incremented count value. Examiner respectfully disagrees with Applicant assertion. Bastiani clearly discloses that a packet

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for communication between the host and the remote device includes a byte count field for defining a length of data for the packet, which determines the end of the packet. Further, Bastiani discloses that a receiver identifies the end of the packet by counting the number of characters received after the first non-SYNC character. Further, Bastiani discloses that the transmitter (the node) turns its receiver on till the **maximum time of one maximum length packet** has expired (column 35, lines 8-12).

It is respectfully submitted that the pending claims as they currently stand read in the Bastiani reference.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

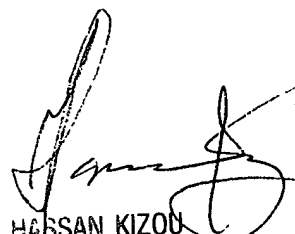
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (571) 272-3091. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST
December 23, 2004



HASSAN KIZOU
ASSISTANT PATENT EXAMINER
TECHNOLOGY CENTER 2600